

LOCAL ITEMS.

THE MCKINNEY MURDER TRIAL.

Conclusion of the State's Testimony.

Yesterday morning, after disposing of a few civil cases and passing sentence upon Mulcahy for forgery, the McKinney trial was resumed. Judge Pitzer, for the prosecution, asked that for the present the Court withhold its decision on the question of admitting the dying declaration of Courtney. The request was granted.

James Finley was then sworn. He was a miner; knew Courtney; was in Grows's bowling alley on the night of August 1; saw Courtney immediately after he was shot. Courtney was running up Meadow Valley street; witness ran out and caught him, as he came down the street, in front of the Dexter Stables; asked Courtney what was the matter; thought he put out some spots of fire on Courtney's back. Courtney said nothing till he was taken into the drug store, when he put his hand on a shelf, and commenced to sink, he said "I'm gone!" Witness asked him if he had anything to say. He shook his head. Finally he said that McKinney shot him. He afterwards said, "Thank God, it will all soon be over." He also said other things before that. Courtney had a pistol in his hand as he came down the street; saw him raise his hand with a pistol in it; thought it was the right hand. Witness described the pistol, which had all the barrels loaded. Witness also testified to hearing the dying declaration read to Courtney and his assent to it.

Dr. Deal was called and testified that he saw Courtney after he heard of the dying declaration being made. Dr. Deal had felt Courtney's pulse; Courtney opened his eyes and looked at witness, who remarked that there was no chance for him. Courtney asked if there was one chance in twenty for him.

O. C. McDonnell was sworn, and identified a paper shown him as the dying declaration of Courtney. Witness was acting for the District Attorney, and was present when Courtney made the declaration. Witness thought Courtney could not live an hour. Dr. Bergstein told Courtney that he could not live, or something to that effect. Witness did not hear what Courtney said; he questioned him while Jack Wilson took down Courtney's statement, which was read over to him and he assented to it. He was not in a condition to sign it.

Dr. Bergstein testified that he saw Courtney about 11:30 a. m. on the 2d of August. From the time he was shot until that time Courtney was as intelligent as usual. He was in a sound condition of mind when he talked about getting the use of his fingers. He rallied occasionally—that is, rallied so as to stop sinking. He was never in a condition to get up or help himself. To questions by the Court the witness stated that Courtney was in a sinking condition when the declaration was made; reaction took place in three-quarters of an hour after being shot. Courtney didn't appear recovered; made a clear statement; had not reacted when his declaration was made. To Mr. Bishop, witness replied that part of the declaration was made before and part after the priest came in.

K. J. Hanley, recalled—He was not present when Courtney died; saw him about 6 a. m. on the 2d. He said if he wasn't injured in the stomach he would get well; thought he would get well but for the wound in the stomach.

The Court, after explaining at some length the law on the subject, decided to admit Courtney's dying declaration. To this ruling the defense excepted. The statement was then read by Mr. Rives, of counsel for the prosecution.

DYING STATEMENT OF MORGAN COURTNEY. I think I am going to die. I was walking down the street and McKinney shot me in the back. I started to run in order to get in a place to defend myself, but he shot me so fast that I could not do anything but run. I did not shoot McKinney at all. I did not get my pistol out until he fired six shots. Frank Cleveland gave McKinney a pistol. Georgia Syphers told me that yesterday.

The statement is not dated, but is witnessed by John Wilson, K. J. Hanley, John Manning, O. C. McDonald and James Finley.

After the declaration was read in the hearing of the jury, the prosecution rested; immediately after which Colonel Thornton, in behalf of the defendant, stated the case to the jury.

At 11:30 the jurors were admonished by the Court and put in charge of a sworn officer. The court then took a recess till 2 p. m.

AFTERNOON SESSION. Court met pursuant to adjournment, and the trial proceeded.

The defense. The first witness for the defense was J. P. Kirby, who testified that he was a resident of Pioche and lived in this place in the latter part of July. He knew both McKinney and Courtney by sight. He knew where the Marysville House was. At 12 or 1 o'clock at night on or about the 30th of July, witness was passing the Marysville House, and heard a man say: "You—"

"I thought I told you to leave this town, and you had better do it, or I'll kill you." Witness heard the other person make the reply: "Courtney, why do you follow me up?" Witness didn't know of his own knowledge who the parties were. The man who said "Why do you follow me up?" was up stairs in (witness thought) the second room from the street. When the conversation commenced, witness naturally hesitated, and hearing it, passed quickly on. This witness was subjected to a very close cross-examination by counsel for the State. He was also questioned by counsel for the defense in regard to matters brought out in the prosecution. He was on the stand an hour and 35 minutes. His testimony will of course be made use of in the argument to the jury, but only such as we have recorded is of any general interest.

James Levy was next sworn for the defense. He had lived in Pioche since October, 1871; knew Courtney slightly; first saw him on the day of the Washington and Crocker fight; knew defendant. Was in Pioche on the evening of August 1; was in different parts of the town that evening; heard no conversation between Courtney and McKinney. He had heard a remark by Courtney which witness thought was intended for McKinney. Witness was on Main street about 5 1/2 p. m., and heard Courtney remark, "You had better attend to what I tell you." He said nothing more. Courtney walked down Main street towards Meadow Valley street; McKinney came to witness. Counsel for the defense asked witness what the conversation and remarks addressed to him by McKinney on that occasion. The State objected. The objection was sustained, and the defense excepted.

Q.—On the morning preceding the day that Courtney was killed, did you have any conversation with defendant concerning Courtney at your room? A.—No.

Q.—Was McKinney at your room early on the morning of that day? A.—He came into my room about 5 a. m.

Q.—What did he want of you? [Objected by the State, and question withdrawn by the defense.]

Q.—Did you know of any ill will between Courtney and McKinney previous to the killing of Courtney, if so, how long have you known it? [Objected by the State. The objection was sustained, and the defense excepted.]

Were you acquainted with the character of Courtney in this community as to peace and quietness, or as to whether he was or was not a dangerous man? A.—Yes.

Q.—Did you ever communicate to McKinney, previous to Courtney's death, what the character of Courtney was in respect to his being a dangerous man? A.—Yes.

Q.—What did you tell defendant on the subject? [Here the State interposed strenuous objections. In favor of the admissibility of the question, Messrs. Thornton and Bishop argued, while District Attorney Goldthwaite and Messrs. Rives and Pitzer opposed it. This argument was continued till nearly 5 o'clock, when it was agreed that the Court adjourn, and that the argument of the question then raised, as well as the question as to evidence of the character of defendant, should be deferred till Monday.]

The jurors were admonished and given in charge of sworn officers, after which the court adjourned until Monday morning at 10 o'clock.

DISTRICT COURT.—Yesterday, before the resumption of the McKinney trial, the following civil cases were disposed of: Craven Lee vs. Charter Oak Silver Mining Company—Defendant entered for \$1,338 and costs of suit. Cline & Young vs. Ingomar Mining Company—Defendant entered for \$1,628 and cost of suit. Shea, Boqueraz & McKee vs. K. J. Hanley—Time for answering postponed to Tuesday. Gilmer & Salisbury vs. H. M. Barnes et al.—Dismissed.

NOT MORPHINE.—Dr. Deal requests us to state that he was not called professionally to see the man Watkins, supposed to be poisoned yesterday, until Watkins was removed to the County Hospital, when it became his duty as County Physician to attend him. He also informs us that the man was not poisoned by morphine, as yesterday reported, but that he was afflicted by congestion of the brain brought on by alcohol. The man has already recovered.

WIDEBOROUGH.—Now that the days are becoming more pleasant and agreeable, it should be the desire of every one to provide themselves with the means of making Sunday pass advantageously. This can be done in no better way than by providing one's self with profitable reading matter. The knowledge obtained does not gratify for the hour merely, but lasts through life. For newspapers, pictorials and periodicals, go to Wiederhold's.

BROWN'S HALL.—To-morrow evening Brown's Hall will be opened as a theater by the enterprising Bella Bird, who has done so much already for the amusement of the people of Pioche. A mythological comedy, "Pygmalion and Galatea," with Sallie Hinkley and Pierpont Thayer in the title roles, will be the opening piece. Success to the new theater.

MR. PEDLAR, Deputy Assessor, informs us that the assessment roll for 1873, exclusive of mortgages, and tax on proceeds of mines, is made up, and is pro- ceeded into the County Clerk last Monday, the 8th inst. It amounted to \$1,776,240, the largest assessment ever made in the county.

NOTICE TO SUPERINTENDENTS.—By reference to our advertising columns it will be seen that on or before to-morrow (Monday) at noon, the taxes on the proceeds of mines are payable to the County Assessor. If not paid by that time they will be delinquent.

POSTPONED.—The sentence of Owen Ferguson, for the murder of Robert Ash, has been deferred until Saturday next. He has been convicted of murder in the first degree.

PERSONAL.—Sheriff Caldwell, of Nye county, was in town yesterday. He came here to serve some subpoenas in a case at Belmont, and will start on his return to-morrow.

BULLION SHIPMENT.—The bullion shipped yesterday by Wells, Fargo & Co. amounted to \$5,393. The total shipment for the week ending yesterday amounted to \$79,005.40.

SERVICES AT THE EPISCOPAL CHURCH.—Morning service at 11 o'clock; Sunday school at 2 p. m.; evening services at 7 1/2 o'clock. HENRY L. BADGER, Pastor.

IT WASN'T THERE.—Last night, at the rehearsal at Brown's Hall, one of the professors of the violin was observed, after having carefully "rinsed his bow," to reach down to take his fiddle from its case. Immediately afterwards, he might have been seen traveling up Main street at a most remarkable rate of speed, and a bystander, posted on such matters, estimated that he was running on about twenty-three feet. The explanation of the matter, as finally elicited, was, that when he reached for his fiddle, "it wasn't there." We have always been opposed to Vigilance Committees. Law and order has had no firmer advocate than us; but there are wretches whose punishment should not be allowed to linger for the "law's delays," for whom vengeance should be swift and certain; and for the man that would steal a fiddle, we would be glad to make one of a circle of fiddlers and fiddle him to death.

Since writing the above, we hear that a suspicious looking customer entered a certain saloon at a late hour last night and snaked a fiddle for a trifling sum. It may be the fiddle in question.

STILL MAKING IMPROVEMENTS.—Hoy and Nixon, not satisfied with having the finest saloon in town, have just added a club-room that rather takes the shine out of anything of the kind we have seen in Pioche yet. It is a large, roomy apartment, entirely private, being reached by a flight of stairs through the back part of the saloon, and is fitted up, literally, without regard to expense. We predict it will become a favorite place of resort. They have also completed a perfectly fire-proof cellar, which is stocked with as fine an assortment of wines, liquors, etc., as can be found in Pioche. Nothing is more certain than that Hoy & Nixon know how to keep a saloon.

SILVER BARS.—From Superintendent Nesbitt we learn that the arrivals of bullion, by rail yesterday, aggregated twenty-two bars from the Raymond & Fly mills, valued at \$35,000. The bullion was .977 fine. Not much base about the ore that that bullion came from. The railroad now is in perfect order, and everything works smoothly and to the perfect satisfaction of Mr. Nesbitt. The trains run on time, and when in the silence of the night the shrill whistle of the locomotive wakes the echoes of the mountains, our citizens, whose recollections are of the busy East, start from their slumbers, and, for the moment, fancy they are once more home.

CHANGE OF PROPRIETORS.—The Lafayette Restaurant changed hands yesterday. Mons. Coquard having disposed of his interest to Messrs. Mitchell, Barges & Cason. The new firm intend to make the Lafayette, in every respect, a first-class restaurant, and trust by unremitting attention to the interest of their customers, to merit a share of the public patronage. Mons. Coquard is well known as a successful enterpriser, and intends to have everything on the tables of the Lafayette that can be found in the market.

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ARRIVED.—Mr. Wm. Barnes, driver of F. F. Marx's ex teams, tells us that he arrived yesterday noon from Toano, with 28,000 pounds of general merchandise, having made the through trip in nineteen days. Good time for cattle, that.

TRIAL JEROME.—Gentlemen who have been summoned as jurors in the District Court will not be required to appear before that tribunal until Thursday, at 10 o'clock a. m.

D. M. TERRILL.—the new Superintendent of the Meadow Valley mine will probably arrive here this evening or to-morrow.

PIOCHE PRESBYTERIAN CHURCH.—Services to-day at Brown's Hall, 11 a. m. and 7:30 p. m.

H. B. MACBRIDE, Acting Pastor. This can be done in no better way than by providing one's self with profitable reading matter. The knowledge obtained does not gratify for the hour merely, but lasts through life. For newspapers, pictorials and periodicals, go to Wiederhold's.

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PIOCHE MARKET REPORT.
[Compiled by S. ASHIN & BRO.]
Wholesale. Retail.
Crushed Sugar..... 17 1/2 18
Granulated Sugar..... 16 1/2 17
Pulverized Sugar..... 15 1/2 16
Cane Sugar..... 14 1/2 15
Hams, California..... 20 22
Hams, Eastern..... 20 22
Beef, Canned..... 10 12
Lard, California..... 19 20
Lard, Eastern..... 19 20
Butter, Cream..... 22 24
Butter, Salted..... 20 22
Eggs, fresh..... 10 12
Apples, dried..... 15 18
Peaches, dried..... 15 18
Coffee, Java..... 25 30
Coffee, Rio..... 25 30
Tea, M. & C. Co..... 70 75
Tea, B. & C. Co..... 70 75
Rice, Japan..... 20 22
Rice, California..... 19 20
Rice, Eastern..... 19 20
Rice, C. O..... 19 20
Rice, Golden..... 19 20
Candles..... 8 10
Soy, C. O..... 20 22
Soy, Castile..... 20 22
Matches..... 2 1/2 3
Yeast, F. and M..... 2 1/2 3
Royal Baking Powder..... 2 1/2 3
Crackers, all kinds..... 15 18
Pickles, Canned..... 15 18
Mackerel, No. 1..... 5 10
Codfish, Eastern..... 15 18
Herrings, Dutch..... 15 18
Rice..... 7 10
Currants..... 22 25
Corn, Southern..... 20 22
Citron..... 75 100
Navy Tobacco..... 70 75
Canned Tomatoes, do. Green Peas, do. Corn, do. Oysters, do. Pine Fruit, do. Condensed Milk, do. Salmon, 84 75 per doz. or 3 cans for \$1.25.

ARRIVALS AND DEPARTURES.
DEPARTURES.
BY GILMER & SALSBURY'S SALT LAKE LINE.
CO'S PHILIPS.
BY TRAVIS & CO'S HAMILTON LINE.
MR. MARLEY.
ARRIVALS.
BY GILMER & SALSBURY'S SALT LAKE LINE.
Wm. Brown..... Mr. Eberhard.
Mr. Schaeffer.

PIOCHE STOCKS.
1300 Meadow Valley—17 1/2 18 1/2 19 1/2 20 1/2
400 Empire—17 1/2 18 1/2 19 1/2 20 1/2
200 Washington and Crocker—21 1/2 22 1/2 23 1/2 24 1/2
200 Page & Farnes—27 1/2 28 1/2 29 1/2 30 1/2
50 American Flag—3 1/2 4 1/2 5 1/2 6 1/2
100 Silver Peak—1 1/2 2 1/2 3 1/2 4 1/2
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PIOCHE STOCKS.
1300 Meadow Valley—17 1/2 18 1/2 19 1/2 20 1/2
400 Empire—17 1/2 18 1/2 19 1/2 20 1/2
200 Washington and Crocker—21 1/2 22 1/2 23 1/2 24 1/2
200 Page & Farnes—27 1/2 28 1/2 29 1/2 30 1/2
50 American Flag—3 1/2 4 1/2 5 1/2 6 1/2
100 Silver Peak—1 1/2 2 1/2 3 1/2 4 1/2
100 Silver Peak—1 1/2 2 1/2 3 1/2 4 1/2
4000 Empire—17 1/2 18 1/2 19 1/2 20 1/2